

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

D.A. NOLT, INC.

Plaintiff,

v.

**THE CITY OF PHILADELPHIA AND
PHILADELPHIA MUNICIPAL AUTHORITY**

Defendants.

: **CIVIL ACTION**

: **NO. 18-4997**

FIRST EVIDENTIARY STIPULATION

The parties, D.A. Nolt, Inc. (“Nolt”) and the City of Philadelphia and Philadelphia Municipal Authority (collectively, “City”) stipulate as follows:

1. The parties agree to waive objections as to the authenticity of bates stamped Trial Exhibits P-1 through P-267, with the exceptions of P-10, P-219, P-225, P-242, P-243, P-249, P-257, and P-264, and of bates stamped Trial Exhibits D-1 through D-726, with the exceptions of D-705 through D-719 and D-724, except that the parties reserve the right to object on authenticity grounds if the version of the document presented is not identical to the version of the document exchanged by the parties.

2. To avoid the need for additional witness and/or testimony to establish authenticity and/or hearsay exceptions, the parties agree to waive all authenticity and hearsay objections as to the following documents to the extent that the document is used during an examination during trial:

a. PSSC Project Change Orders between the City and Nolt

- b. PSSC Project Requests for Information (“RFIs”) submitted to the City
- c. PSSC Project Meeting Minutes prepared by either the City, DJK, Nolt, Ballinger, or their agents
- d. PSSC Project Construction Manager Daily Reports uploaded to e-builder
- e. Siplast Inspection Reports for the PSSC Project
- f. McLaughlin Report and roof plan sheet for the PSSC Project
- g. Jersey Infrared Reports (color versions) for the PSSC Project dated June 14, 2017 and September 7, 2017
- h. October 4, 2017 report from Professional Roof Services to D.A. Nolt
- i. Letters and emails between Nolt and the City
- j. Letters and emails between the City’s Construction Manager, Daniel J. Keating Company, and Nolt employees, in which the Construction Manager is speaking on behalf of the City.

3. By agreeing to waive hearsay and authenticity objections as discussed herein, the parties do not waive other objections to admissibility.

4. The parties further stipulate that the documents listed on Exhibit A may be moved into evidence without objection, subject to any agreed limitations listed on Exhibit A.

/s/ Jennifer Budd
Counsel for Plaintiff, D.A. Nolt, Inc.

/s/ Lydia Furst
Counsel for Defendants
City of Philadelphia,
Philadelphia Municipal
Authority

EXHIBIT A			
Plaintiff's Unopposed Admission List	Agreed Limitations	Defendant's Unopposed Admission List	Agreed Limitations
P2		D30	
P4	Stipulate document is an excerpt of D-1	D31	
P7		D38	Third party statements not offered for the truth but to show that the quote was made to Nolt.
P15		D44	
P20		D62	
P28		D71	
P30		D72	
P35		D85	
P37		D89	
P39		D90	
P42		D91	
P44		D101	
P45		D110	
P48		D118	
P50		D120	
P56		D125	
P57		D135	
P58		D142	
P63		D143	
P64		D156	
P72		D173	
P73		D174	
P74		D206	
P78		D208	
P80		D209	Third party statements not offered for the truth but to show that the quote was made to Nolt.
P84		D218	
P85		D225	
P89		D228	
P90		D254	
P92		D274	
P94		D275	

P95		D292	
P99		D295	
P105		D321	
P108		D323	
P120		D332	
P121		D351	
P123		D367	
P126		D368	
P148		D370	
P164		D401	
P165		D403	
P166		D423	
P171		D431	
P176		D505	
P196		D516	
P202		D525	
P206		D527	
P213		D534	
P216		D536	
P217		D565	
P223		D571	
P233		D581	
P235		D638	
P236	Limited to Photo 3	D726	
P238	Limited to photos/videos on 1-12, 26-29, 31, 32, 35-37, 42-51, 52, 53, 55, 61, 63, 64. Can stipulate photos/videos taken by Carl	D75	
P239		D301	
P241		D424	
P245		D426	
P255		D434	
P258		D440	
P262		D465	
P263		D501	
P266		D528	
P267		D577	
P268		D599	
P269		D602	
P270		D611	
P271		D624	
P272		D639	
P273		P119	
P274		D046	

P275		D080	
P276		D086	
P277	Stipulate that security costs are not included in Nolt's claim	D122	
P278		D148	
D1		D151	
D32		D152	
D169		D153	
D300		D175	
D362		D314	
D406		D315	
D469		D432	
D549		D435	
P76		D446	
P101		D450	
P106		D451	
p168		D452	
P174		D455	
P192		D461	
D621		D465	
P27	Third party statements not offered for the truth but to show that the quote was made to Nolt.	D531	
P98		D533	
P53		D537	
p148		D539	
P40		D540	
P142		D545	
P49		D546	
P50		D547	
P54		D548	
P73		D567	
P86		D568	
P87		D57	
P99		D573	
P129		D576	
P138		D584	
P82		D592	
P162		D593	
P147		D668	
P152		D671	
P156		D675 - Appendices D and E	For Demonstrative Purposes Only
P29		D734	

D300		D744	
D746		D205	
P31			
PD 1-10	For Demonstrative Purposes Only		
D32			